IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 5622 of 2005

Between:

Mubarak Shaw, S/o. Salam Shaw,
R/o. H.No.45-297, Upperguda, Malkajgiri, Secunderabad.

..... PETITIONER

AND

1 The Commissioner-cum -Special Officer, Malkajgiri Municipality, Secunderabad.
2 Smt. Lakshmi, W/o. Sri madhu,
H.No.7-122/1, Ward No.14, Sardar Patel Nagar, Upperguda,
Malkajgiri, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be

pleased to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent No.1 in not taking any action against Respondent No.2 in removing the encroachment on 20 feet wide road adjacent to the petitioner's Premises No.45-297, Upperguda, Malkajgiri Municipality, Secunderabad, as illegal, void and violative of the Fundamenta Rights guaranteed by the Constitution of India, and consequently direct the respondent No.1 to take action on petitioner's Representation dt. 20.9.2004, and to pass such other order or orders.

Counsel for the Petitioner : MR.MOHD.ZIA-UL-HAQ

Counsel for the Respondent No.1: MR. P. RADHAKRISHNA, SC FOR MUNICIPALITIES.

Counsel for the respondent No.2: None appeared.

The Court at the admission stage made the following :

ORAL ORDER:

(per Hon'ble The Chief Justice)

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1. This petition is purported to have filed as public interest litigation, but there is no public interest involved in it. Petitioner is aggrieved by the action of 2nd respondent in having raised the construction which, according to the petitioner, is blocking the entry into his house and also causing nuisance since, according to the petitioner, rain water is entering into his house. Petitioner has not stated as to when construction was made by 2nd respondent and the extent of the land over which construction has been

made, though he stated that his house bears No.45-297 is located in Upperguda, Malkajgiri, Secunderabad, and that the construction raised by 2nd respondent is adjacent thereto. Petitioner has also stated that he moved several applications, but no action has been taken by 1st respondent.

2. This kind of petition can never be entertained as public interest litigation. In case petitioner has got any inconvenience, he has to work out his remedies in accordance with law. Accordingly this writ petition is dismissed. No costs.

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DEVINDER GUPTA. C.J.,

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B. SESHASAYANA REDDY. J.,

Dated: 24.03.2005.

VRK.

To

1 The Commissioner-cum -Special Officer, Malkajgiri Municipality, Secunderabad.
2. The Officer concerned, Public Interest Litigation Cello, High Court Buildings, Hyderabad.

3. The Secretary, A.P. State Legal Aid & Advisory Board, High Court Buildings, Hyderabad.

4. The Secretary to Government of A.P., Home Department, Secretariat, Hyderabad.

5. Two CD copies.

*Form-NIC-OGS/WP{**JGK**}*

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE B. SESHASAYANA REDDY.

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W.P.NO. 5622 OF 2005

(Order of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 24.03.2005.